In the High Court of Judicature at Madras

Dated: 13.02.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Appeal No.2523 of 2001

1.Radhae Shayam
2.Bhanwar lal Bhutra
3.Uday Kanwar Chandak
4.Dwarkadas Chandak
5.A.L.Maheswari
6.Bansidar Rathi
7.Rajkumari Chandak
8.Madanlal Chandak
9.Govinda Prakash Chandak
10.Amirtalal Sharda
11.Madanlal Bhutra
12.Bisani & Bisani Finance
Investment Limited, rep. by
N.K.Bisani, 78, Godown
Street, Madras-1.
13.Ramanlal Jetha
14.Bagavandas
15.Kandhimathi Natanam .. Appellants

Vs..

1.The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai-9.

2.Madras Metropolitan Development
Authority, rep. by its Member Secretary,
M.M.D.A., Thalamuthu Natarajan
Building, Madras.

3.The Special Deputy Collector (LA),
M.M.D.A., Thalamuthu Natarajan
Building, Madras. .. Respondents

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Writ Appeal filed under Clause 15 of the Letters Patent Appeal against the order passed in W.P.No.7874 of 1993 dated 07.03.2001 presented under Article 226 of the Constitution of India to issue writ of Certiorari calling for the records in relating G.O.Ms.No.125, dated 20.01.1978 as well as the 4(1) notification published in the Government Gazette published on 16.10.91 at Part II and section 11 and declaration made under Section - 6 of the Act in G.O.No.712 dated 21.10.92 published in the Government Gazette at Part II Section 2 by the first Respondent and in respect of the Acquisition proceedings of the Petitioners land situated in survey Nos.52,53,56,57,62,63 and 64 of Nerkundram Village Saidapet Taluk, Chengai MGR District and quash the same as illegal vitiated and ultrawires.

For Appellants : Mr.R.Thiyagarajan, S.C., for
Mr.E.Martin Jeyakumar

For respondents : Mr.P.Subramanian,
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeal is directed against the order dated 07.03.2001 made in W.P.No.7874 of 1993, in and by which, the learned single Judge, after finding no merit in the claim of the petitioners, permitted them to make a representation before the concerned authority for reference under Section 18 of the Land Acquisition Act 1894 (Central Act I of 1894).

2. Even at the outset, Mr.R.Thiyagarajan, learned Senior Counsel appearing for the appellants submitted that on 23.11.2006, all the appellants made separate but identical representations to respondents 1 and 2 praying for reconveyance of their lands acquired under Section 48-B of the Land Acquisition Act 1894 (Central Act I of 1894). In support of the above claim, postal receipts were placed before us to show that representations have been made to the said authorities on 23.11.2006. He also submitted that the appellants would be satisfied, if direction is issued to the first respondent viz., The Secretary to the Government, Housing and Urban Development Department, Fort St. George, Chennai-600 009, to consider and pass orders on the said representation within a reasonable time.

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3. Taking note of the limited request, we dispose of the writ appeal with a direction to the first respondent to consider and pass orders on the representations of the appellants dated 23.11.2006, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai-9.

2.The Member Secretary,
Madras Metropolitan Development
Authority, M.M.D.A., Thalamuthu Natarajan
Building, Madras.

3.The Special Deputy Collector (LA),
M.M.D.A., Thalamuthu Natarajan
Building, Madras.

1 cc To Mr.E. Martin Jeyakumar, Advocate, SR.9222.
1 cc To The Government Pleader, SR.8946.

W.A. No.2523 of 2001

SSV(CO)
RVL 21.02.2007

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